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NOTIFICATIONS BY GOVERNMENT

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**YOUTH ADVANCEMENT, TOURISM AND
CULTURE DEPARTMENT
(H&COOR)**

ARCHAEOLOGY AND MUSEUMS - PROTECTION OF THE ANCIENT BUDDHIST COMPLEX, TOTLAKONDA OF KAPULUPPADA (V), BHEEMUNIPATNAM MANDAL, VISAKHAPATNAM DISTRICT- CORRECTION OF OMISSION / ERROR - NOTIFICATION UNDER SECTION 4(3) AND 36 OF THE ANDHRA PRADESH ANCIENT AND HISTORICAL MONUMENT AND ARCHAEOLOGICAL SITES AND REMAINS ACT, 1960 (A.P. ACT VII OF 1960).

[G.O.Rt.No.131, Youth Advancement, Tourism and Culture (H&COOR), 31st July, 2021.]

NOTIFICATION

1. Whereas, the Government under sub-section (1) of Section 4 of Andhra Pradesh Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1960 (Act VII of 1960) referred to as the said Act, declared the ancient site called Buddhist Complex, Totlakonda located in Sy.No.314 at Mangamaripet (V) in Bheemunipatnam Taluk of Visakhapatnam District as Protected Monument vide G.O.Rt.No.2069, Education(L) Department dated: 17-12-1976 and the same has been published in part-1 of Andhra Pradesh Gazette dated 06-01-1977 and basing on the proposals of the Registering Officer, Archaeology and Museums, Visakhapatnam from 1976 onwards, and after conducting resurvey of the area of the ancient site, the Buddhist Complex, Totlakonda at Kapuluppada(V), Bheemunipatnam (M), Visakhapatnam District; situated in an extent of Ac.120.18 cents in Sy.No.416/2 and the way for the ancient site covers an area of Ac.0.70 cents in Sy.No.416/1, (both carved out from Sy.No.314) the total area to be protected aggregates to Ac.120.88 cents which was not specifically stated in the previous Government Order; And thus it is necessitated to rectify the omission/error of non- mentioning of extent of the protected area and boundaries and survey numbers in which the said protected monument is situated.

2. Whereas, as per procedure laid down under the provisions of the Andhra Pradesh Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1960 the Government issued a notification vide G.O.Rt.No.21 Youth Advancement Tourism & Culture (H & COOR) date 12-02-2021 and the same Notification was published in Andhra Pradesh Gazette, Part I Extraordinary No 78 date 12-02-2021 giving two months' notice of their intention to correct the extent, boundaries and sub-divisional numbers under section 4 of the said Act duly calling for objections within the prescribed time.

3. Whereas, in response to the above notification issued under Section 4(1) of Andhra Pradesh Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1960 (AP Act No. VII of 1960, (536) objections have been received. The thrust of the objections is that the entire area under Survey No.314 has not been surveyed and excavations are yet to be conducted, till then the area under the said Survey No. 314 shall not be reduced to Ac.120.88 cents. The objections received under Section 4(2) have been forwarded to the Commissioner, Archaeology and Museums Department for examination with reference to relevant records and reports submitted by different authorities from time to time. The Commissioner has examined the said objections in light of the facts mentioned in paras 1 to 7 of the Notification dated 12-02-2021 and submitted remarks on each of the objections raised.

4. Whereas, the Government have carefully considered the report of the Commissioner, Archaeology and Museums Department with due application of mind. It is noted that as far back as 20.09.1976 the Tahasildar, Bheemunipatnam addressed a letter dated 20.09.1976 to the Registering Officer, Archaeological & Museums Department, Visakhapatnam clearly stating that the approximate area of monuments existing in Survey No.314 is 120 Acres only. Further, the Registering Officer, Archaeology & Museums Department, Visakhapatnam in his letter dated 21.09.1976 also reported that the site extent of the Buddhist complex was 120 Acres only. Furthermore, as per the excavation report dated 28.08.1976 of Dr. V.V. Krishna Sastry, the then Asst. Director, the Buddhist site extending to about 10 Acres is situated at the top of the hill. Besides, the Departmental publication book with the title "Totlakonda, a Buddhist site in Andhra Pradesh" points that the habitation area over the hill covers 350 X 250 meters and the excavations undertaken in five seasons from 1988 to 1992 have exposed structural remains of main stupa, a few other stupas etc. This proved beyond doubt that excavations did take place after 1976 with a positive intent to identify any additional evidence at the site. However no additional remains have been found out outside the Ac.120.88 cents. Thus historically the Buddhist remains are limited to an extent of about 120 Acres only. The Government is committed to protect all Monuments and Archaeological remains and will continue to protect such invaluable archaeological evidences for posterity. These facts have also been brought to the notice of the Hon'ble High Court which, after considering these facts, has issued the following orders:-

- The allotment of land in favour of Andhra Pradesh Tourism Development Corporation is beyond the protected area, as per the report of Chief Urban Planner of Visakhapatnam and it is not prohibited, on the other hand, it would enhance the historical importance of the monument.
- The allotment of land to Film Nagar Cultural Centre, Visakhapatnam can be completed only after denotifying the land by exercising power under Section 4(3). Till then the Film Nagar Cultural Centre, Visakhapatnam shall not be handed over possession of the property, if already handed over, it shall not undertake any activity including construction. It is needless to mention that Film Nagar Cultural Centre, Visakhapatnam may proceed with activity after

denotifying the area in Sy.No.314 of Totlakonda village, limiting the protected area to an extent of Ac.120.88cts.”

5. Whereas, as early as 1976 the Tahsildar, Bheemunipatnam reported that the area covering the Monument is approximately Ac.120.00cents only. The excavations conducted between 1988 and 1992 have not brought to the fore any additional evidence of archaeological remains beyond the identified area of Ac.120.88cents either. Further, the successive Commissioners, Archaeology and Museums Department have been repeatedly requesting the Government to issue Notification for rectifying the omission/error regarding the Notification issued G.O.Rt.No.627, dated 02-05-1978. Thus the proposal for rectification of omission/error is arrived at after due examination of the matter and not an instantaneous decision. Besides, the said exercise for denotification has been taken up following the orders of the Hon'ble High Court dated 05-09-2019. Each of the objections has been carefully examined and necessary replies have been communicated to the concerned duly ensuring transparency and applying principles of natural justice under the provisions of the Act in tune with the spirit of the Constitution and the Act.

6. And whereas, the Government of Andhra Pradesh, in compliance with the provisions of Section 36 read with Section 4 of the Andhra Pradesh Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1960 (Act VII of 1960) and as per the observations / directions of the Hon'ble High Court as at para (4), intends to rectify the omission/mistake in public interest.

7. Therefore, in exercise of the powers conferred under Section 36 read with Section 4, of the Andhra Pradesh Ancient and Historical Monument and Archaeological Sites and Remains Act, 1960 (Act VII of 1960) and in partial modification of the Notification issued in G.O.Rt.No.627 Edn., (L) Department dated: 2nd May 1978, published in Andhra Pradesh Gazette No.27, dated: 13-07-1978 in which the Buddhist Complex, Totlakonda at Mangamaripet(V), hamlet of Kapuluppada(V), in Bheemunipatnam Mandal, Visakhapatnam District was declared as protected monument under sub-section(3) of section 4 of the said Act, hereby specifies the corrected extent, boundaries and sub-divisional numbers in which the said protected monument is situated as described in the Annexure, annexed here under in public interest.

ANNEXURE

SCHEDULE

The Ancient Buddhist Complex, Totlakonda of Kapuluppada(V), Bheemunipatnam Mandal, Visakhapatnam District (protected monument under sub-section (3) of section 4 of the Andhra Pradesh Ancient and Historical Monument and Archaeological Sites and Remains Act, 1960) situated in a total extent of Ac.120.88 cents i.e., Ac.120.18 cents in Sy.No.416/2 and Ac.0.70 cents (way for Buddhist Complex) in Sy.No.416/1, (both the sub divisions carved out from Sy.No.314) is bounded by the following:-

EAST : Sy.No.314
WEST : Sy.No.314
NORTH: Sy.No.314
SOUTH: Sy.No.314

RAJAT BHARGAVA,
Special Chief Secretary to Government.